

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/670,798
Attorney Docket No. Q77716

REMARKS

Formalities

Claims 1-11 are all the claims currently pending in the present application.

The Examiner has acknowledged Applicants' claim to foreign priority and the receipt of the certified copy of the priority document. The Examiner has also signed and returned the PTO-Form 1449 A & B submitted with Applicants' IDS of December 29, 2004. Applicants note, however, that the Examiner has failed to initial the first listed foreign patent document: JP 5-2287. Applicants therefore respectfully request that the Examiner initial this reference and return a newly-initialed PTO-Form 1449 A & B with the next Office communication.

Claim Amendments

With this Amendment, Applicants amend Claims 1, 3, and 10. Applicants respectfully submit that these amendments are not intended to narrow the scope of the original claims, but are rather for precision of language and to explicitly recite within the claim what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

Claims 1-9 under §112, second paragraph

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Regarding Claim 1, the Examiner asserts that Claim 1 is indefinite for failing to particularly point out what the regulating member regulates and how it presses the toner. First, Applicants note that Claim 1 clearly recites what the regulating member regulates: “pressing the one-component non-magnetic toner by a regulating member *so as to regulate a transporting quantity of the one-component non-magnetic toner and a charge of the one-component non-magnetic toner.*” Second, Applicants note that as shown in Figure 2, and as described in the specification at least at page 24, line 23 to page 25, line 8, it is clearly set forth that the regulating blade 109 (a non-limiting example of a regulating member, as claimed) “press-contacts” the developing roller by the action of a plate spring member and an elastic member, as illustrated. As set forth under MPEP § 706.03(d) “If the scope of the claimed subject matter can be determined by one having ordinary skill in the art, a rejection using this form paragraph [7.34.01 Rejection, 35 U.S.C. § 112, 2nd Paragraph, Failure to Particularly Point out and Distinctly Claim (Indefinite)] would not be appropriate.” Further, MPEP § 2173.02 states that the definiteness of claim language must be interpreted in light of, *inter alia*, the content of the particular application disclosure. Finally, if the Examiner is asserting that the scope of claim 1 is too broad for failing to particularly state that which is clearly recited in the specification, Applicants note that the breadth of a claim is not to be equated with indefiniteness. (MPEP § 2173.04).

Regarding Claims 2 and 4, the Examiner asserts that claim 2 is indefinite for failing to particularly point out what a “particle size segment” or a “charge quantity segment” is. In response, Applicants note that the specific meaning of these terms are described in the specification at page 11, line 14 through page 12, line 3.

Regarding Claim 3, the Examiner asserts that claim 3 is indefinite for failing to particularly point out what the polarity of the “toner of reverse polarity” is reversed from. In other words, this phrase implies that the “toner of reverse polarity” has a polarity (positive or negative) that is opposite to the polarity of something else. The Examiner, therefore, seems to be asking what this something else is. Applicants therefore submit that, as is evident from the description at page 5, lines 9-16 of the specification, the limitation of claim 3 means that the majority of the toner, having a first polarity, is contaminated with less than 5% of toner having a second polarity opposite to the first polarity. Applicants submit that one of skill in the art would clearly understand this meaning from the description in the specification.

Regarding Claims 5-9, the Examiner asserts that Claims 5-9 are indefinite for failing to particularly point out how the various items, i.e. the kind of toner, the resin composition of the toner, the shape of the toner base particles (Claim 5), the kind and quantities of extraneous additives (Claim 6), the surface material of the developer carrier (Claim 7), the regulating condition of the regulating member (Claim 8), and the transporting quantity of the toner (Claim 9), are determined. Based on the specification, Applicants submit that these “items” are determined by setting or selecting them as would be understood by one of skill in the art. Applicants further note that the specifics of these determination methods, therefore, need not be specifically described in the claims, as discussed above with respect to Claim 1.

Therefore, in view of at least the above, Applicants respectfully request that the rejection of Claims 1-9 under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

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Claims 1-11 under 35 U.S.C. § 103(a)

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tazawa et al., U.S. Patent No. 6,566,028 (“Tazawa”), in view of Hosoya et al., U.S. Patent No. 5,283,618 (“Hosoya”) and Ishihara et al., U.S. Patent No. 5,683,846.

Regarding independent Claims 1 and 10, Applicants submit that Tazawa and Hosoya each fail to teach or suggest the relationship between a width of a particle size distribution of the one-component non-magnetic toner and a width of a charge quantity distribution of the one-component non-magnetic toner.

Regarding Ishihara, Figure 4 illustrates a relationship between a charge quantity distribution and a particle size distribution of a two-component toner in a case in which the toner is charged under a certain condition by agitating the toner in the measurement device for measuring charge quantity of the toner shown in Figure 3. Therefore, the relationship shown in Figure 4 shows only a property of the toner. In contrast, the claimed invention controls the one-component non-magnetic toner on the developer carrier so that the one-component non-magnetic toner pressed by the regulating member satisfies the claimed relationship. Further, the one-component non-magnetic toner is pressed by a regulating member so as to regulate a transporting quantity of the one-component non-magnetic toner and to charge the one-component non-magnetic toner.

Therefore, the cited combination of references fails to teach or suggest the feature of “controlling the one-component non-magnetic toner on the developer carrier,” and “pressing the one-component non-magnetic toner by a regulating member so as to ... charge the one component non-magnetic toner,” as recited.

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In view of at least the above, Applicants submit that independent Claims 1 and 10 are patentable over a reasonable combination of the cited references and submit that Claims 2-9 and 11 are patentable at least by virtue of their dependence on Claims 1 and 10, and for the following additional reasons.

Regarding Claim 3, Applicants submit that the Examiner has failed to particularly point out any portion of any of the cited references which teaches or suggests “wherein the control step is performed to satisfy a relation that an amount of toner having a polarity opposite to the desired polarity of the one-component non-magnetic toner is less than 5%,” as recited. Further, Applicants submit that this limitation is not taught or suggested in any of the cited references.

In view of the above, Applicants respectfully request that the rejection of Claims 1-11 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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